

Message Text

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C O N F I D E N T I A L TEHRAN 5337

E.O. 11652: GDS
TAGS: PGVO SHUM IR
SUBJ: MILITARY COURT REFORM LEGISLATION SUBMITTED TO MAJLES

REF: TEHRAN A-75

BEGIN UNCLASSIFIED

1. ON JUNE 14, DEP MIN OF WAR FOR PARLIAMENTARY AFFAIRS
LT GEN KATOOZIAN SUBMITTED WIDE-RANGING MILITARY COURT
REFORM BILL TO MJLES. BILL CALLS FOR AMENDMENT OF MILITARY
AND JUDICIAL PENAL CODES IN THE CASE OF CIVILIANS CHARGED TO
PROVIDE FOR A) COMPLETION OF PRELIMINARY QUESTIONING BY
INTERROGATING MAGISTRATE AND CHARGING OR RELEASE WITHIN TWENTY-
FOUR HOURS PLUS RELATING OF BAIL TO SERIOUSNESS OF CRIME; B)
SELECTION OF CIVILIAN LAWYER FROM QUALIFIED MEMBERS OF IRANIAN
BAR, AND "TOTAL FREEDOM" IN DEFENSE ARGUMENTS BY BOTH MILITARY
AND CIVILIAN LAWYERS; C) OPEN TRIAL BY MILITARY TRIBUNALS
EXCEPT WHEN MILITARY PROSECUTOR DECIDES THIS WOULD BE AGAINST
"BEST INTERESTS OF STATE OR MORAL STANDARDS", IN WHICH CASE HE
WILL SEEK TRIAL CLOSURE AND TRIBUNAL MUST RULE WHETHER TO
GRANT IT OR NOT; AND D) PERMITTING DEFENSE SIDE TO REQUEST
TRIBUNAL GRANT 15-DAY GRACE PERIOD FOR STUDY OF CHARGES
PRIOR TO TRIAL.

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2. EFFECT OF LEGISLATION WOULD BE TO GUARANTEE TO CIVILIANS
TRIED FOR NATIONAL SECURITY CRIMES MOST OF BASIC RIGHTS THEY
WOULD HAVE UNDER CIVIL TRIAL. BILL CAUSING CONSIDERABLE
FAVORABLE COMMENT HERE. WHILE LEGISLATION DOES NOT DIRECTLY
ADDRESS QUESTION OF FOREIGN OBSERVERS, INITIAL SOUNDING
INDICATE WORKING OF BILL'S (ROUGH TRANSLATION BEING POUCHED

DEPT) OPENESS PROVISION WOULD ACCOMPLISH THIS AS WELL.
PROPOSAL WILL BE STUDIED IN MAJLES JUSTICE COMMITTEE, AND IF
APPROVED, PASSED TO SENATE FOR STUDY AND APPROVAL. GOI GOAL
IS PASSAGE OF FINAL LEGISLATION BEFORE PARLIAMENTARY RECESS
IN EARLY JULY.

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3. FIRST READING INDICATES LOCAL LEGAL OFFICIALS BELIEVE
GOI IS SERIOUS ON REFORMS. SUBSTANCE OF REFORMS REFLECT
MORE FLEXIBLE GOI POSTURE TOWARD ANTI-SECURITY CASES AS WELL
AS MORE SENSITIVITY TO RIGHTS OF DEFENDANTS. LOCAL HUMAN
RIGHTS-MINDED LAWYERS ARE VERY PLEASED INDEED AT THIS MOVE.
WELL-PLACED MAJLES SOURCE INFORMED EMBOFF LEGISLATIVE
PROCESS LIKELY TO ENCOMPASS ONLY MINOR AMENDMENTS AND UNLESS
UNUSUAL (AND UNEXPECTED) SNAG SURFACES, REFORMS SHOULD BE
UNDERWAY BY MIDSUMMER.

4. WE UNDERSTAND BILL HAD APPROVAL OF HIGHEST LEVELS OF
GOI, WAS EXTENSIVELY REVIEWED IN PRIMINS OFFICE
AND IS POSITIVE GOI ATTEMPT TO MEET CRITICISMS LEVELED
AT GOI HANDLING OSECURITY-RELATED CASES OVER PAST TWO YEARS
BY NUMBER OF OBSERVERS. IN THIS CONNECTION, DEPT MAY WISH
INFORM ICJS WILLIAM BUTLER OF PROPOSED CHANGES, WHICH
FOLLOW VERY CLOSELY AND EVEN GO SOMEWHAT BEYOND PROGRAM
SHAH OUTLINE TO BUTLER DURING THEIR MAY 30 TALKS.
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